

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JIMMY ZAVALA,

Plaintiff,

v.

GEORGE AUTOBEE, *et al.*,

Defendants.

CIVIL NO. 4:CV-08-2327

(Judge Jones)

MEMORANDUM

January 9, 2009

Jimmy Zavala ("Plaintiff" or "Zavala"), an inmate presently confined at the United States Penitentiary at Allenwood ("USP-Allenwood") in White Deer, Pennsylvania, initiated this action *pro se* by filing a Complaint pursuant to the provisions of 28 U.S.C. § 1331. He also filed a Motion for leave to proceed *in forma pauperis*. (Rec. Doc. 2). For the reasons set forth below, this action will be transferred to the United States District Court for the Western District of Texas.

In his Complaint, Zavala alleges that George Autobee, a Sheriff's Deputy for the Sheriff's Department in Bexar County, Texas, made false statements under oath, arrested Zavala without probable cause, and unlawfully detained him. (Rec. Doc. 1 at 1-2). In addition to Autobee, Zavala names as Defendants the Bexar County Sheriff's Department and the County Commissioner's Office. (*Id.* at 1).

DISCUSSION:

Venue in this case is not proper in this district. 28 U.S.C. § 1391(b) governs venue in federal question cases. Section 1391(b) provides as follows:

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

28 U.S.C. § 1391(b). The named Defendants in this case are located in Bexar County, Texas, which is located in the Western District of Texas. Moreover, the allegations in the Complaint relate to events that took place in that district. Therefore, the proper venue for this action is the Western District of Texas. 28 U.S.C. § 1391(b).

“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). In the interest of justice, this case will be transferred to the Western District of Texas. An appropriate Order shall issue.